

## **REMARKS**

Claims 1-18 remain pending in the present application. Claims 1-7, 10, 12 and 15 have been amended. Claims 16-18 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kroger (U.S. Pat. No. 5,623,989). Claims 1, 2, 3, 6, 8 and 10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kido, et al. (JP 62-284197). Claims 1, 2, 4, 5, 7, 14 and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lu (U.S. Pat. No. 3,515,207). Claims 1, 2, 4-9, 11, 13 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Modine (U.S. Pat. No. 1,553,093). Applicants respectfully traverse this rejection.

Claim 1 has been amended to define the meandering projection as extending over an entire width of the fin in a direction generally parallel with a flow direction of the second fluid to form a generally rectangular flow passage which extends through a respective interval between facing tubes in the direction generally parallel to the flow direction of the second fluid.

Kroger (U.S. Pat. No. 5,623,989) does not disclose a generally rectangular flow passage. Kido, et al. (JP 62-284197) does not disclose a projection that extends over an entire width of the fin; Lu (U.S. Pat. No. 3,515,207) does not disclose a meandering projection that extends over an entire width of the fin in the direction of flow of the

second fluid (see Figure 2). Modine (U.S. Pat. No. 1,553,093) does not disclose a meandering projection as all of the projections are straight.

Thus, Applicants believe Claim 1, as amended, patentably distinguishes over the art of record. Likewise, Claims 2-11 and 13-15, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Modine (U.S. Pat. No. 1,553,093) in view of Memory (U.S. 2004/0149424). Claim 12 ultimately depends from Claim 1. As stated above, Claim 1 has been amended and is now believed to patentably distinguish over the art of record. Thus, Claim 12 is also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

#### **NEW CLAIMS**

New Claims 16 and 17 are dependent claims which Applicants believe properly further limit Claim 1. Claim 18 is an independent claim which defines the features of the present invention which are not disclosed, taught or suggested by the cited prior art.


#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: December 19, 2005

By:   
Michael J. Schmidt, 34,007

HARNESS, DICKEY & PIERCE, P.L.C.  
P.O. Box 828  
Bloomfield Hills, Michigan 48303  
(248) 641-1600

MJS/pmg